



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,754	04/19/2002	Adrian Gerald Hudd	543.02	4178

7590 07/13/2004

Malcolm B Wittenberg
Dergosits & Noah
Suite 1150
Four Embarcadero Center
San Francisco, CA 94111

EXAMINER

OLSON, LARS A

ART UNIT	PAPER NUMBER
----------	--------------

3617

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,754

Applicant(s)

HUDD, ADRIAN GERALD

Examiner

Lars A Olson

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-11 and 17-21 is/are allowed.
- 6) ☒ Claim(s) 12-15 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. An amendment was received from the applicant on November 3, 2003.
2. Claim 1 has been canceled.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Locati (US 3,561,391).

Locati discloses the same method of cleaning the hull of a floating marine vessel as claimed, as shown in Figures 1-7, said method utilizing a cleaning means, defined as Part #16 or 24, and a displacement means, defined as Part #18 or 26, that are supported on a submersible framework, defined as Parts #12 and 14, where said displacement means and said cleaning means can move generally upwardly and downwardly of a hull of a marine vessel, as shown in Figures 2 and 5, while said cleaning means is in contact with said hull. Pivot means, as shown in Figures 2 and 5, is provided on a pair of arms to which cleaning means in the form of brushes are rotatably mounted, said pivot means allowing said cleaning means to pivot about a horizontal axis generally upwardly and downwardly of said hull.

Allowable Subject Matter

5. Claims 2-11 and 17-21 are allowed.
6. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed on November 3, 2003 regarding claims 12-15 have been fully considered but they are not persuasive.
8. The applicant argues that Locati (US 3,561,391) does not anticipate the feature of a vessel cleaning assembly with a displacement means that is operative to urge a cleaning means generally upwardly and downwardly of a hull of a marine vessel.
9. In response to the applicant's argument, Claim 12 of the application does not claim a displacement means that is operative to urge a cleaning means generally upwardly and downwardly of a hull of a marine vessel. Claim 12 only claims that a cleaning means is displaced generally upwardly and downwardly of a hull, and contacts with fouling on said hull. Locati, as cited above, discloses a method for cleaning a hull that utilizes a cleaning means that is rotatably mounted on a displacement means, where said displacement means and said cleaning means can move generally upwardly and downwardly of a hull of a marine vessel as said hull moves past said cleaning means while said cleaning means is in contact with said hull, as shown in Figure 2.

Therefore, for the reasons given above, the rejection of claims 12-15 is deemed proper and is not withdrawn.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Feurt (US 4,784,078) discloses a floating small boat cleaning facility.

12. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

July 9, 2004


S. JOSEPH MORANO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600